

Message Text

CONFIDENTIAL

PAGE 01 BRASIL 04711 01 OF 02 122002Z

63

ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 FAA-00 L-03 PA-01 USIA-06

PRS-01 SP-02 /036 W

----- 020110

P 121900Z JUN 75

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC PRIORITY 9751

INFO AMCONSUL RIO DE JANEIRO PRIORITY

AMCONSUL SAO PAULO PRIORITY

C O N F I D E N T I A L SECTION 1 OF 2 BRASILIA 4711

E. O. 11652: GDS

TAGS: EAIR; BR

SUBJ: CONGONHAS PROBLEM

REF: A) STATE 131611; B) BRASILIA 4164; C) BRASILIA 3898

1. SUMMARY: SINCE JUNE 2, CONGEN RIO AND EMBASSY BRASILIA HAVE MET SEVERAL TIMES WITH GOB OFFICIALS TO UNDERSCORE US CONCERN ON CONGONHAS PROBLEM AND URGE RESPONSE TO US NOTE. GOB HAS BEEN WORKING ON PROBLEM AND FORMAL REPLY NOW EXPECTED FOR EARLY NEXT WEEK. ALL THE INDICATIONS ARE THAT THIS RESPONSE WILL BE NEGATIVE. IN VIEW OF THE POTENTIALLY FAR-REACHING IMPLICATIONS, AT A TIME WHEN US-BRAZILIAN RELATIONS ARE UNDER CONSIDERABLE STRESS OVER NUCLEAR ISSUE, EMBASSY RECOMMENDS THAT DEPARTMENT POSTPONE ACTION UNTIL THERE IS OPPORTUNITY TO REVIEW TEXT OF BRAZILIAN NOTE. END SUMMARY.

2. FOLLOWING UP EARLIER REPRESENTATIONS TO FONMIN AND DAC REPORTED IN REFTELS B AND C, CONGEN RIO OFFICER MET ON JUNE 2 WITH BRIG. FRAGA, CHIEF OF ADVISOR TO CERNAI PRESIDENT EDIVIO CALDAS SANCTOS. FRAGA WOULD ONLY DISCUSS
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BRASIL 04711 01 OF 02 122002Z

IN AN INDIRECT FASHION GOB'S RESPONSE TO

EMBASSY'S NOTE DEALING WITH PROBLEMS AT CONGONHAS.
CONGEN OFFICER RAISED CONGONHAS QUESTIONS
EXPLICITLY 3 TIMES AND FRAGA 3 TIMES AVOIDED
DIRECT RESPONSE, THE LAST TIME WITH A BIT OF
IMPATIENCE. NONETHELESS FRAGA ALSO INDICATED
THE FEELING THAT "CONSULTATIONS WERE NECESSARY
TO CLEAR UP MISUNDERSTANDINGS BETWEEN NATIONS."
HE FURTHER STATED THAT PRESSURE IN INTERNATIONAL
RELATIONS WAS NO LONGER A VIABLE METHOD OF
PROBLEM SOLVING. (COMMENT: THESE STATEMENTS CLEARLY
REFLECT THE BRAZILIAN VIEW THAT THERE IS A MIS-
UNDERSTANDING ABOUT THE BILATERAL AND DEMONSTRATE
AN AWARENESS WITHIN CERNAI OF POSSIBILITY
FORCEFUL USG ACTION.)

3. ON JUNE 5 EMBOFF QUERIED FONOFF TRANSPORTA-
TION DIVISION CHIEF, COUNSELOR HELCIO TAVARES
PIRES, ON THE STATUS OF THEIR RESPONSE TO EMBASSY
DEMARCHE OF MAY 15 (REFTEL C). PIRES STATED THAT
THE CERNAI PLENARY WOULD BE MEETING ON JUNE 5
AND 6 AND THAT A FORMAL FONOFF RESPONSE WOULD
BE FORTHCOMING WITHIN ONE WEEK.

4. ON JUNE 5 CG OFFICERS MET WITH BRIG.
EDIVIO CALDAS SANCTOS, CERNAI PRESIDENT AT HIS
REQUEST. CALDAS SANCTOS WISHED TO CORRECT SOME
IMPRESSIONS RECEIVED DURING THE JUNE 2ND MEETING
WITH HIS ADVISOR, BRIG. FRAGA. CALDAS SANCTOS STATED
THAT HE PERSONALLY REJECTED THE IDEA OF CONSULTATIONS AS
A WAY TO SOLVE THE CONGONHAS/CHANGE OF GAUGE PROBLEM.
BRAZIL WAS SATISFIED WITH THE WORKING OF THE BILATERAL
AGREEMENT AS IT NOW STANDS AND THEREFORE HAD NO
REASON TO REQUEST CONSULTATIONS. BRIG. CALDAS SANCTOS
STATED FURTHER HIS PERSONAL FEELING THAT CONSULTATIONS WOULD
LEAD TO INCONCLUSIVE NEGOTIATIONS AND THAT THIS SHOULD BE AVOIDED.
HE ALSO SEEMED TO FEEL THAT THE CONGONHAS PROBLEM
WOULD BE RESOLVED BY BRAZILIAN AVIATION AUTHORI-
TIES BY THE TIME THE CONSULTATIVE PROCEDURES COULD
BE WORKED OUT. IN COMMENTING ON THE DIPLOMATIC
NOTE PRESENTED BY THE EMBASSY, HE STATED THAT
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BRASIL 04711 01 OF 02 122002Z

CERNAI HAD SENT A PROPOSED RESPONSE TO THE
AIR MINISTER FOR APPROVAL AFTER WHICH IT WOULD
GO TO THE ITAMARATY. HE INDICATED THAT CONSUL-
TATIONS WOULD NOT RPT NOT BE SUGGESTED IN RESPONSE
TO OUR NOTE.

5. CG OFFICERS CONVEYED TO CALDAS SANCTOS THE
SERIOUSNESS WITH WHICH THE USG VIEWD WHAT WE

CONSIDERED A VIOLATION OF THE BILATERAL AGREEMENT REGARDING CONGONHAS. IN RESPONSE CALDAS SANCTOS MENTIONED THE BRAZILIAN CONCEPT THAT CONGONHAS WAS NOT AN INTERNATIONAL AIRPORT BUT MERELY A REGIONAL ONE SERVING SEVERAL COUNTRIES IN THE SOUTHERN CONE OF LATIN AMERICA. HE REITERATED THE GOB DESIRE TO CLOSE CONGONHAS TO INTERNATIONAL TRAFFIC BUT STATED THA THIS WOULD REQUIRE ADDITIONAL FACILITIES AT VIRGFOPOS WHICH WERE NOT YET READY.

6. IN DISCUSSING PANAM'S REQUEST FOR CHANGE OF GAUGE, CALDAS SANCTOS REITERATED POSITION GIVEN IN RIO 0564 IN THAT THE PORTUGUESE LANGUAGE VERSION OF THE BILATERAL AGREEMENT SPECIFIES THAT A CHANGE OF GAUGE IS ONLY APPLICABLE IN INSTANCES WHERE THE AIRLINE WANTS TO GO TO POINTS BEYOND ("PONTOS ALEM") AND, MOREVOER, HAS TO BE CONFINED TO ITS PRESENT LINE. ACCORDING TO CALDAS SANCTOS THIS MEANS THAT A CMHANGE OF GAUGE FROM GALEAO IN RIO DE JANEIRO COULD ONLY BE AUTHORIZED TO THE PRESENT AIRPORT (VIRACOPOS) USED BY PANAM AND BEYOND TO AOTHER FOREIGN COUNTRY. PANAM COULD NOT UTILIZE THE CHANE OF GAUGE UNDER THIS CONCEPT TO SWITCH OPERATIONS FROM ONE AIRPORT IN BRAZIL TO ANOTHER (E.G., VIRACOPOS TO CONGNHAS) NOR COULD IT UTILIZE A CHANGE OF GAUGE AS A SHUTTLE OPERATION BETWEEN TWO AIRPORTS IN BRAZIL. CONGEN OFFICER POINTED OUT TO CALDAS SANCTOS THAT OUR BILATERAL AGREEMENT STIPULATED RIGHTS TO CITIES AND INTERNATIONAL AIRPORTS AND NOT TO SPECIFIC AIRPORTS. IN RESPONSE, CALDAS SANCTOS STATET THAT EACH
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 BRASIL 04711 01 OF 02 122002Z

COUNTRY HAD RIGHT TO STIPULATE WHAT AIRPORT WOULD BE UTILIZED AND GAVE KENNEDY AND LA GUARDIA IN NEW YORK AS EXAMPLES. IT WAS THEN POINTED OUT TO CALDAS SANCTOS THAT UNDER THIS CONCEPT PANAM COULD BE ALLOWED TO USE KEENNEDY WHILE VARIG COULD BE TOLD TO USE ANOTHER INTERNATIONAL AIRPORT 90 KILOMETERS AWAY. IN RESPONSE TO ABOVE POINT CALDAS SANCTOS LAUNCHED INTO DISCUSSION OF PRESENT UNSATISFACTORY CONDITIONS AT CONGONHAS AND AIR MINISTER'S PUBLIC DECLARATION OF LIMITING TRAFFIC THERE. THE SITUATION AT CONGONHAS WAS SO BAD, AND THE AIR MINISTER'S VIEWS SO PRONOUNCED, THAT CERNAI COULD NOT RECOMMEND TO HIM THAT YET ANOTHER AIRLINE (PANAM) BE ALLOWED TO

OPERATE THERE.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 BRASIL 04711 02 OF 02 122048Z

63

ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 FAA-00 L-03 PA-01 USIA-06

PRS-01 SP-02 /036 W

----- 020683

P 121900Z JUN 75

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC PRIORITY 9752

INFO AMCONSUL RIO DE JANEIRO PRIORITY

AMCONSUL SAO PAULO PRIORITY

C O N F I D E N T I A L SECTION 2 OF 2 BRASILIA 4711

7. CALDAS SANCTOS WAS EMPHATIC OVER THE AIR MINISTER'S DESIRE TO CLOSE CONGONHAS TO INTERNATIONAL TRAFFIC. HE POINTED TO THE AIR MINISTER'S ORDER CLOSING ALL TRAFFIC AT CONGONHAS FROM 10 P.M. TO 6 A.M. AS PROOF OF THIS. HE DESCRIBED THE PRESENT SAFETY SITUATION AT CONGONHAS AS PRECARIOUS AND SAID THAT ONLY LUCK HAS PREVENTED A CATASTROPHE SO FAR. HOWEVER, IN VIEW OF THE INADEQUATE FACILITIES AT VIRACOPOS, HE INDICATED THAT IT WAS NOT YET POSSIBLE TO MOVE INTERNATIONAL TRAFFIC TO THAT AIRPORT. HE INSISTED THAT IT WAS THE INADEQUACY OF FACILITIES AT VIRACOPOS AND NOT A POLITICAL PROBLEM WITH THE GOVERNOR OF SAO PAULO WHICH HAD DELAYED THE MOVE ON INTERNATIONAL TRAFFIC TO VIRACOPOS. CG OFFICERS INFORMED CALDAS SANCTOS THAT THE USG MERELY DESIRED AN INDICATION FROM BRAZILIAN CIVIL AVIATION AUTHORITIES AS TO WHEN CONGONHAS WOULD BE CLOSED TO INTERNATIONAL TRAFFIC IN ORDER TO ELIMINATE THE INEQUALITY BETWEEN PANAM AND VARIG. CALDAS SANCTOS WAS VERY RELUCTANT TO INDICATE A TIME BUT WHEN

PRESSED CLOSELY BY CG OFFICER STATED HIS
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BRASIL 04711 02 OF 02 122048Z

PERSONAL OPINION THAT VIRACOPOS WOULD PROBABLY
BE READY TO ACCEPT ADDITIONAL INTERNATIONAL
TRAFFIC BY THIS COMING SEPTEMBER OR OCTOBER,
IMPLYING THE CLOSURE OF CONGONHAS TO INTER-
NATIONAL TRAFFIC AT THAT TIME.

8. IT WAS SUGGESTED TO CALDAS SANCTOS THAT
ANOTHER MEANS OF SOLVING THE CONGONHAS PROBLEM
WOULD BE TO NATIONALIZE INTERNATIONAL
TRAFFIC TO SAO PAULO FROM THE U.S. AT GALEAO.
HE ADMITTED THAT THIS WAS A POSSIBLE SOLUTION
BUT STATED THAT THERE WERE SEVERAL OBSTACLES
(THAT HE WOULD NOT ELABORATE ON) TO BE OVERCOME
BEFORE THIS COULD BE DONE. HE BELIVED, HOWEVER,
THAT THE DEFINITIVE SOLUTION TO THE PROBLEM WAS
SHIFTING OF SUCH TRAFFIC TO VIRACOPOS.

9. CALDAS SANCTOS WENT ON TO SAY THAT BOTH
PANAM AND VARIG ENJOYED A VERY PROFITABLE RELATION-
SHIP IN THE BRAZILIAN CARRIAGE AND IT WOULD BE
FOOLISH TO JEOPARDIZE THEIR POSITION BECAUSE
OF WHAT IS BASICALLY A MINOR PROBLEM WHICH WILL
BE RESOLVED EVENTUALLY.

10. COMMENT: WE BELIEVE THAT CALDAS SANCTOS
RECOGNIZED BRAZIL IS IN VIOLATION OF THE
AGREEMENT AND WOULD LIKE TO RESOLVE THE PRESENT
SITUATION. HOWEVER, HE APPEARS CAUGHT IN THE
DILEMMA CAUSED BY THE AIR MINISTER'S POSITION
ON CONGONHAS AND THE FACT THAT VIRACOPOS MAY
NOT BE READY FOR ADDITIONAL TRAFFIC.
NEVERTHELESS IT APPEARS THAT HE RECOGNIZES ALSO
THAT THE PRESENT SITUATION GIVES VARIG A COMPETI-
TIVE ADVANTAGE AND AS SUCH APPEARS INCLINED
TO LET THE MATTER REST UNTIL SUCH TIME AS
VIRACOPOS IS READY. IT IS IMPORTANT TO NOTE
THAT CALDAS SANCTOS' REMARKS REPRESENT VIEWS AL-
READY EXPRESSED IN PREVIOUS DISCUSSIONS WITH
CONGEN OFFICERS.

11. RECOMMENDATION: WITH RESPECT TO
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BRASIL 04711 02 OF 02 122048Z

REFTEL A, EMBASSY RECOMMENDS THAT DEPT
POSTPONE ACTION ON CAB STAFF RECOMMENDATION
THAT VARIG BE REQUIRED TO START FILING ITS
SCHEDULES WITH CAB PURSUANT TO PART 213 OF BOARD'S
ECONOMIC REGULATIONS. WE DO SO, EVEN THOUGH WE
RECOGNIZE THAT UNDER OUR INTERPRETATION OF BI-
LATERAL AIR AGREEMENT GOB POSITION IS UNTEN-
ABLE, AND EVEN THOUGH GOB'S PROSPECTIVE RESPONSE IS EXPECTED
TO BE UNSATISFACTORY. THE CONSIDERATIONS, WHICH
LEAD US TO THIS CONCLUSION, ARE:

A) INHERENT IN OUR PREVIOUS REPRESENTATIONS TO GOB
(WHICH IMPLIED AND FORESHADOWED THE POSSIBILITY
OF US UNILATERAL ACTION) IS A COMMITMENT TO AWAIT
A FORMAL GOB RESPONSE IF SUCH A RESPONSE IS
FORTHCOMING WITHIN A REASONABLE PERIOD OF TIME;

B) THERE IS NO DOUBT THAT THE GOB, AS A
RESULT OF THE REPRESENTATIONS OF THE EMBASSY AND
THE CONGEN, HAS BEEN ACTIVELY PREPARING A RESPONSE.

C) THE MOVE OF REQUIRING SCHEDULE FILING
UNDER PART 213, WHILE A DISCRETE STEP, WOULD
PRESUMABLY BE PERCEIVED BY GOB AUTHORITIES AS THE
OPENING STEP OF UNILATERAL US ACTION; AND

D) THE PRESENT AGITATED STATE OF BRAZILIAN
PUBLIC OPINION OVER US INTERVENTION IN THE
PENDING FRG-GOB NUCLEAR ACCORD IS AN INAUSPICIOUS
SETTING FOR A UNILATERAL US MOVE, WHICH MIGHT
EASILY BE MISINTERPRETED AS A RETALIATORY ACTION,
REFLECTING US DISPLEASURE OVER THE UNRELATED
ISSUE OF THE FRG-GOB AGREEMENT. (THE BRAZILIAN
PRESS HAS ATTRIBUTED TO BRAZILIAN DIPLOMATIC
SOURCES THE BELIEF THAT THE USG MAY RETALIATE IN
A VARIETY OF WAYS AGAINST THE NUCLEAR AGREEMENT.)

12. WE ARE MAKING FURTHER REPRESENTATIONS TO
THE FONOFF TO TRY TO ASSURE A GOB RESPONSE BY
THE EARLY PART OF NEXT WEEK. ASSUMING THAT THE
DEPARTMENT ACCEPTS OUR RECOMMENDATION, WE WISH
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 BRASIL 04711 02 OF 02 122048Z

TO DEFER A DETAILED RESPONSE TO REFTEL A UNTIL
WE HAVE AN OPPORTUNITY TO STUDY THE GOB REPLY.

13. IF THE DEPARTMENT SHOULD NOT ACCEPT OUR RECOM-
MENDATION, WE WOULD WISH TO HAVE THE OPPORTUNITY
FOR FURTHER COMMENT, PARTICULARLY IN VIEW OF THE
CURRENT SENSITIVE STATE OF US-BRAZILIAN RELATIONS.

ALSO, THE EMBASSY WOULD SITH THE OPPORTUNITY
FORMALLY TO NOTIFY THE FONMIN OF THE CAB ACTION
BEFORE THE FILING REQUIREMENT IS PROMULGATED.
CRIMMINS

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, FOREIGN RELATIONS, AIRLINES, AIR ROUTE APPLICATIONS, NEGOTIATIONS, AIR ROUTE AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 12 JUN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BRASIL04711
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750205-0840
From: BRASILIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750654/aaaabwua.tel
Line Count: 335
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 7
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 STATE 131611., 75 BRASILIA 4164, 75 BRASILIA 3898
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 04 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 SEP 2003 by WorrelSW>; APPROVED <03 DEC 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CONGONHAS PROBLEM
TAGS: EAIR, BR, US, CAB, CONGONHAS
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006